

Message Text

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61

ORIGIN NEA-16

INFO OCT-01 ISO-00 PM-07 NSC-07 SP-03 SS-20 RSC-01 CIAE-00

INR-10 NSAE-00 DODE-00 MC-02 EB-11 OMB-01 TRSE-00 L-03

AID-20 IGA-02 H-03 /107 R

DRAFTED BY DOD/ISA:RPEYER

APPROVED BY NEA:SSOBER

NEA/IRN:BBMORTON

NEA/RA:AMUNDY

NEA/ARP:SWBUCK

PM/MAS:DFARNHAM

L/PM:JHMICHEL

OSAD/ISA:JNOYES

----- 127875

R 221721Z MAY 74

FM SECSTATE WASHDC

TO AMEMBASSY TEHRAN

INFO AMEMBASSY KUWAIT

S E C R E T STATE 107013

E.O. 11652: GDS

TAGS: MASS, MU, IR

SUBJECT: 106MM RECOILLESS RIFLES IN OMAN

KUWAIT PASS MUSCAT

REFS: A. KUWAIT 1892; B. TEHRAN 3845

1. IN RESPONSE TO A QUERY FROM CONGRESSMAN HAMILTON,
CHAIRMAN OF THE SUBCOMMITTEE ON THE NEAR EAST AND SOUTH
ASIA OF THE HOUSE FOREIGN AFFAIRS COMMITTEE, DEPUTY
ASSISTANT SECRETARY OF DEFENSE JAMES H. NOYES RECENTLY
NOTED WITH RESPECT TO THE TRANSFER OF IRANIAN MILITARY
EQUIPMENT TO OMAN:

QUOTE THE THIRD-COUNTRY TRANSFER PROVISION MUST BE READ

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IN THE CONTEXT OF SECTION 3(A)(2) FMSA WHICH REQUIRES THE
PURCHASER TO AGREE NOT TO TRANSFER TITLE TO, OR POSSESSION

OF, ANY DEFENSE ARTICLE SOLD UNDER THE FMSA TO ANYONE NOT AN OFFICER, EMPLOYEE, OR AGENT OF THE PURCHASER AND NOT TO USE OR PERMIT THE USE OF SUCH ARTICLE FOR PURPOSES OTHER THAN THOSE FOR WHICH FURNISHED WITHOUT PRIOR U.S. CONSENT. IN THAT CONTEXT IT IS CLEAR THAT A TRANSFER OF POSSESSION BUT NOT OF TITLE TO THE PERSONNEL OR AGENTS OF A THIRD GOVERNMENT OR OTHER ENTITY (BY LOAN, LEASE, OR OTHER FORM OF TEMPORARY CUSTODY WITHOUT A RIGHT OF FURTHER

DISPOSITION) IS SUBJECT TO THE RESTRICTIONS OF SECTION 3(A) FMSA AS WELL AS AN OUTRIGHT TRANSFER OF TITLE TO THE SUBJECT ARTICLES BY THE PURCHASING GOVERNMENT. UNQUOTE

2. REF A REPORTS THAT OMAN HAS RECEIVED SIX 106MM RECOILLESS RIFLES FROM IRAN QUOTE FOR TRIAL PURPOSES TO SEE IF OMAN WISHED TO KEEP THEM UNQUOTE. IRAN DID NOT SEEK PRIOR U.S. CONSENT TO THIS TRANSFER, WHICH APPEARS TO FALL WITHIN THE CONTEXT OF THE RESTRICTIONS OUTLINED ABOVE.

3. IT IS NOT CLEAR WHETHER THE RECOILLESS RIFLES WERE ACQUIRED UNDER FMS OR GRANT AID. IF THE ITEMS ARE OF GRANT AID ORIGIN, THE FAA, PART 2, CHAPTER 2, SECTION 505(A)(4) SPECIFICALLY COVERS REPORTING EXCESS ITEMS OF GRANT AID ORIGIN FOR RETURN TO THE USG.

4. APPRECIATE ARGUMENTS REF B THAT IRANIAN MILITARY LEADERS ARE THOROUGHLY FAMILIAR WITH U.S. REGULATIONS. HOWEVER, BASED ON INFORMATION REF A, THERE ARE AMPLE GROUNDS FOR PRESUMPTION THAT REGULATIONS ARE NOT SCRUPULOUSLY ADHERED TO BY IRANIAN OFFICIALS IN ALL CASES. LACK OF U.S. FOLLOW-UP IN CASE OF WHAT MIGHT BE VIOLATION RISKS CREATING IMPRESSION WITH IRANIAN OFFICIALS THAT USG NOT CONCERNED WITH STRICT OBSERVANCE OF LEGAL RESTRICTIONS ON USE OF US-SUPPLIED EQUIPMENT. REMINDER OF OUR CONCERN AT THIS TIME SHOULD REDUCE TEMPTATION TO MAKE "LOANS" THAT COULD BE MORE EMBARRASSING TO U.S. THAN THOSE TO OMANIS, E.G. TO KURDS.

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5. REQUEST APPROACH IRANIAN GOVERNMENT AT APPROPRIATE LEVEL, NOTING THAT USG HAS RECEIVED REPORTS THAT US-SUPPLIED EQUIPMENT MAY HAVE BEEN LENT TO OMAN BY GOI AND REMINDING GOI OFFICIALS THAT ANY SUCH TRANSFER REQUIRES PRIOR APPROVAL OF USG. PLEASE REPORT GOI REACTION.

6. FYI: SECTION 505(D) OF FAA (APPLICABLE TO GRANT MATERIEL) AND SECTION 3(C) OF FMSA (APPLICABLE TO MATERIEL PURCHASED UNDER FMS PROGRAM) RENDER COUNTRY THAT VIOLATES

ABOVE-DESCRIBED RESTRICTIONS INELIGIBLE FOR FURTHER
ASSISTANCE, OR SALES, AS CASE MAY BE. IT IS ESSENTIAL,
THEREFORE, THAT SITUATION BE REGULARIZED IF WE ARE TO
AVOID RISK OF MAJOR DISRUPTION IN USG-GOI RELATIONS UNDER
COMPULSION OF U.S. LAW. END FYI. RUSH

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NNN

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TAGS: MASS, MU, IR
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